

PUBLIC VERSION

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

**WSOU INVESTMENTS, LLC D/B/A
BRAZOS LICENSING AND
DEVELOPMENT,**

Plaintiff,

v.

CANON INC. AND CANON U.S.A., INC.

Defendants.

CIVIL ACTION 6:20-cv-00981-ADA

**DECLARATION OF JONATHAN K. WALDROP IN SUPPORT OF
PLAINTIFF WSOU INVESTMENTS, LLC'S OPPOSITION TO
CANON U.S.A., INC.'S MOTION TO TRANSFER FOR IMPROPER VENUE
AND CANON U.S.A., INC.'S AND CANON INC.'S MOTION TO TRANSFER
FOR CONVENIENCE TO THE EASTERN DISTRICT OF NEW YORK**

I, Jonathan K. Waldrop, declare as follows:

1. I am a Partner with the law firm of Kasowitz Benson Torres LLP. I am one of the attorneys responsible for the representation of Plaintiff WSOU Investments, LLC d/b/a Brazos Licensing and Development ("WSOU") in this matter and make this declaration in support of WSOU's Opposition to Defendant Canon U.S.A., Inc.'s Motion to Transfer for Improper Venue and Defendants Canon U.S.A., Inc.'s and Canon, Inc.'s ("Canon") Motion to Transfer for Convenience to the Eastern District of New York (Dkt. 84).

2. If called to testify under oath in court, I could and would testify competently to the facts stated herein.

3. Attached hereto as Exhibit A is a true and correct copy of Texas Office of the State Comptroller, Franchise Tax Account Status Form for Canon U.S.A., Inc., listing registration date July 1, 1977.

PUBLIC VERSION

4. Attached hereto as Exhibit B is true and correct copy of a list of Canon U.S.A., Inc.'s authorized dealers (CANON_981_00015448).

5. Attached hereto as Exhibit C is a true and correct copy of excerpts from the Transcript of the Deposition of James Smith, dated November 11, 2021.

6. Attached hereto as Exhibit D is true and correct copy of excerpts from Canon U.S.A., Inc.'s Responses and Objections to Plaintiff's First Set of Venue Interrogatories Listing Canon U.S.A., Inc.'s employees and related LinkedIn Resume of Jill Curtis.

7. Attached hereto as Exhibit E is a true and correct copy of Canon, Inc.'s spreadsheet of Texas employees (CANON_981_00015438).

8. Attached hereto as Exhibit F is a true and correct copy of correspondence from Michael Chow to WSOU's Counsel, dated December 20, 2021.

9. Attached hereto as Exhibit G is a true and correct copy of Canon Americas Directory 2021/2022 (CANON_981_00015428-37).

10. Attached hereto as Exhibit H is a true and correct copy of Canon Group Americas Operation Organizational Chart (CANON_981_00015439).

11. Attached hereto as Exhibit I is a true and correct copy of Canon U.S.A., Inc.'s and Canon Solutions America's Contact Us web pages, available at <https://www.usa.canon.com/internet/portal/us/home/about/contact-us/> and <https://csa.canon.com/internet/portal/us/csa/contactus>.

12. Attached hereto as Exhibit J is a true and correct copy of Canon Solutions America's Our Leadership web page, available at <https://csa.canon.com/internet/portal/us/csa/company/leadership/>.

PUBLIC VERSION

13. Attached hereto as Exhibit K is a true and correct copy of a list of identical products sold by both Canon U.S.A., Inc. and Canon Solutions America.

14. Attached hereto as Exhibit L is a true and correct copy of the Office Lease Agreement [REDACTED] (CSA_00000021-25).

15. Attached hereto as Exhibit M is a true and correct copy of excerpts from Canon Inc.'s Form 20-F for the fiscal year ended December 31, 2020.

16. Attached hereto as Exhibit N is a true and correct copy of Canon U.S.A., Inc.'s Press Release dated February 28, 2019.

17. Attached hereto as Exhibit O is a true and correct copy of the LinkedIn Resume of Glen McClaugherty, available at <https://www.linkedin.com/in/glen-mcclaugherty-0442a115/>.

18. Attached hereto as Exhibit P is a true and correct copy of a Canon Solutions America tweet identifying Glen McClaugherty as a Canon Solutions America employee, available at https://twitter.com/Canon_Solutions/status/1187470588954071041.

19. Attached hereto as Exhibit Q is a true and correct copy of Air Miles Calculator printouts showing the distance between: (i) Tokyo, Japan and Dallas-Fort Worth International Airport; and (ii) Tokyo, Japan and JFK International Airport.

20. Attached hereto as Exhibit R is a true and correct copy of airfare search printouts showing the cost of a Japan Airlines ticket for December 14, 2022: (i) from Tokyo, Japan to Dallas-Fort Worth International Airport; and (ii) from Tokyo, Japan to JFK International Airport.

21. Attached hereto as Exhibit S is a true and correct copy of Google Map printouts showing the driving time: (i) from Dallas-Fort Worth International Airport to Western District of

PUBLIC VERSION

Texas Courthouse in Waco, Texas; and (ii) from JFK International Airport to the Eastern District of New York Courthouse in Brooklyn, New York.

22. Attached hereto as Exhibit T is a true and correct copy of excerpts from the U.S. District Courts – National Judicial Caseload Profile as of June 30, 2021.

23. I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge, information, and belief, formed after reasonable inquiry under the circumstances.

Executed on the 28th day of December, 2021, in San Mateo, California.

/s/ Jonathan K. Waldrop
Jonathan K. Waldrop